



Memorandum

To: Town Council Members
From: George Ryan, Chair, Governance, Organization and Legislation (GOL) Committee
Date: February 24, 2020
Re: Report by the Chair of GOL Committee to the Town Council

Summary:

Since our last report of February 10, 2020, the GOL Committee has met once on February 12. On that date the Committee reviewed the “Resolution in Support of Right To Counsel in Eviction Cases and Eviction Sealing to Promote Housing Opportunity and Mobility” and declared it clear, consistent and actionable by a vote of 4-0 (Schreiber absent). The resolution is being sponsored by CRC. A copy of the resolution is in your packet. We also reviewed an amendment to the Amherst Open Container Bylaw and voted 4-0 with one member absent (Schreiber) to declare the amendment clear, consistent, and actionable. You will find the amended bylaw in your packet. The committee completed its discussion of the Council committee restructuring proposal and voted 4-0 (Schreiber absent) to forward its proposal to the Council for action. A review of the proposal and its rationale will be found below.

Discussion: Council Committee Restructuring Proposal

The proposal: GOL, per its charge (“Advise the Town Council on matters of internal rules [Sec. 2.6(d)], governance and organization”), began the process of reviewing the present Town Council standing committee structure at its November 20 meeting. Councilor feedback was solicited and in the end the Committee heard from 11 councilors. All comments were discussed by GOL and we have tried to incorporate some of the suggestions into the final proposal. GOL is now recommending the Town Council adopt the following restructuring:

- Disband the Audit Committee and move its duties to Finance Committee (the Council did this at the January 27 meeting)
- Create a new standing committee, Town Services and Outreach [TSO], which will absorb some of CRC’s responsibilities and OCA’s outreach responsibilities
- Redistribute the appointments function of OCA among three standing committees: CRC, TSO, and GOL, with the reallocation of Planning Board [PB] and Zoning Board of Appeals [ZBA] appointments delayed until July 1, 2020
- Keep OCA in existence until June 30, 2020, with its sole remaining function being to make appointments to the Planning Board and the Zoning Board of Appeals and to finalize the process for those appointments. As of July 1, 2020, the appointments function for PB and ZBA be moved to CRC and OCA be dissolved.

The revised charges for OCA, GOL, and CRC, and the proposed TSO charge, are in your packet and should be consulted in conjunction with the discussion below.

The rationale: From the start, GOL's goal was to make the Council more efficient in its work, even out the workload among committees, provide greater clarity as to where Council referrals might go, give more Councilors an opportunity to engage substantive issues, and reduce, if possible, the number of councilors serving on Council committees. We feel this proposal meets those goals.

Creating a Town Services and Outreach Committee: GOL believes that the current charge for CRC poses two problems. First, it is too broad, placing an unrealistic burden and workload on that committee. Second, almost every issue of substance could be referred to CRC, leaving many Councilors unable to engage directly with important issues facing the town and its residents. GOL sought to divide the responsibilities of CRC between two committees to lessen CRC's workload and provide greater opportunity for more Councilors to engage substantively with issues. None of the Councilor comments GOL received were critical of the overall goal of dividing up the work of CRC. In dividing up responsibilities, GOL saw a possibility of separating responsibilities between two scopes:

- Day-to-day issues that exist at the interface of Town government and the community
- Longer-term planning issues that include a broader group of stakeholders outside Town government

This division of responsibilities led to a recommendation to form a new standing committee of the Council: Town Services and Outreach (TSO). GOL believes that creating a separate body that focuses on the day-to-day provision of Town services to the community by Town Departments would move a number of issues outside of CRC's purview and lessen the load on CRC. Looking at recent referrals to CRC, had TSO existed nearly 50% of current CRC referrals would have gone to TSO. GOL notes that TSO will only consider measures that might affect the provision of Town services upon referral by the Town Council and will not be proactively making recommendations regarding the operation of Town departments or directing the Town Manager in his management of departments. GOL believes it is important to establish a clear boundary between legislative and executive authority.

GOL also recommends that TSO review and make recommendations to the Town Council on all appointments of Town department heads filed by the Town Manager and all appointments to multiple member bodies filed by the Town Manager (both currently in OCA). GOL believes that these appointment functions fit well with TSO's focus on the provision of services and the day-to-day operation of Town government. This also keeps consideration of Town Manager appointments in a single body.

Additionally, since TSO focuses on the interface between Town government and the community, GOL recommends that TSO also take on the task of advising the Town Council on matters that broaden citizen participation and ensure regular and transparent communication and outreach to residents in addition to advising the Town Council on issues and measures that involve the relationship between the Town and Amherst institutions of higher learning.

A newly constituted CRC: With this proposal, CRC can now focus on broader and more long-range issues that face the Town, in particular matters related to planning, zoning, land use, housing (including homelessness), review of the Master Plan, and economic development. GOL believes that, given this focus, CRC is the appropriate body to make recommendations to the Council on appointments to the Planning Board and ZBA. While GOL believes that this division of responsibilities between CRC and TSO, along with its rationale, will provide greater clarity to the Council in making referrals GOL acknowledges

that the line in places is not always clear and that in the end it is up to the Council to decide where any referral should go – including referral to more than one committee.

Sharing the appointments function: This part of the proposal generated a good deal of comment from our fellow councilors. After much deliberation in response to Councilor comments, GOL has revised its original idea and believes it is important to distribute the appointments function for a number of reasons. First, it gives more Councilors (potentially ALL Councilors since the proposal is to share appointments among three committees) an opportunity to participate in the appointments process, rather than leaving it to a single body. Secondly, GOL felt that it was sensible to assign appointment duties where possible to the standing Council committee that deals with that particular area. So, for example, because of CRC's role in matters related to zoning and planning, including review of the Master Plan, we felt it reasonable to assign it the task of making recommendations for appointments to the Planning Board and Zoning Board of Appeals. Because of TSO's focus on the day-to-day operation of government and provision of Town services, it seemed to us reasonable to give it the task of reviewing and advising the Council on all appointments of Department Heads by the Town Manager, as well as reviewing and advising the Town Council on the Town Manager's appointments to multiple member bodies. Because GOL focuses on overseeing Council governance and organization, we felt it appropriate to assign it the task of making recommendations to the Town Council regarding appointments by the Town Council, including non-voting Council liaisons, non-voting Finance Committee members, and Councilor appointments to the Joint Capital Planning Committee and the Budget Coordinating Group. In addition, *if referred to it by the Council*, GOL would also make recommendations to the Town Council on appointments for Clerk of the Council, additional Council staff, the Town Manager, or interim Town Manager. Our third reason for the sharing of appointment duties is that it enables us to reduce the overall Councilor committee appointments from 23 to 20, which was one of the goals of undertaking the review of Council committees.

Why delay OCA's dissolution? Given our stated goal of reducing the number of Councilors serving on Council committees, why delay OCA's dissolution for four more months? Some members of OCA expressed concern, shared by some on GOL, that the interview process for Planning Board and ZBA was still a work in progress and that it would be prudent to give it a few more months before handing it off to another body. It was also felt that a number of appointments will be coming in next month or so and that to ask CRC to take this on with the process not completely vetted would be unfair to CRC. The consensus view was that OCA should be dissolved by July 1, after OCA has an opportunity to fill the current vacancies on ZBA and impending vacancies on Planning Board due to expiring terms. GOL notes that one OCA member expressed the desire to keep OCA in existence in perpetuity and give it all tasks related to appointments.

Possible Process for Public Ways Requests Which Require Town Council Action

The Committee made good progress on a possible process and it is the hope of the Chair that a specific proposal can be brought to the Council at its next meeting on March 9.

Other Items

The Council is formulating a plan for how to proceed with Bylaw changes and revisions as referred to it by the Council. One issue that arose concerned the need for review of bylaws by Town counsel. There was concern about how the Committee would determine which bylaws would need review and which

would not and also concern about significant time delays in securing legal review. The Committee will be seeking input from the Town Manager on these matters.

Committee Members:

Pat DeAngelis
Mandi Jo Hanneke,
Evan Ross, Vice Chair
George Ryan, Chair
Steve Schreiber

Attachments:

None (Referenced resolutions, bylaw amendments and revised Council committee charges are in your packet)